

R E M A R K S

1. PRIORITY

The Office communication states that Applicant has "amended the claims" and "stated that the CFR of the instant application is identical to **09/400,322**."¹ This is incorrect. The only communication that Applicant forwarded to the Office in the instant application was a Preliminary Amendment mailed on 11/28/00 (copy enclosed) at the time of filing this application. In that Preliminary Amendment, Applicant requested amendment of the specification to state that:

"This is a Divisional of Application Serial No. **09/235,416**, filed January 22, 1999, which claims benefit under 35 U.S.C. §119(e) to Provisional Patent Application Serial No. 60/072,361, filed on January 23, 1998, which is herein incorporated by reference in its entirety for all purposes."

In other words, it appears that the Examiner is confusing the instant application, which claims priority to **09/235,416**, with another application that claims priority to **09/400,322**. Correction of this error is respectfully requested.

2. SEQUENCE LISTING

This Amendment provides as a separate part of the disclosure, a paper copy of a "Sequence Listing" pursuant to 37 C.F.R. §§ 1.821-1.825. Applicants amendments do not introduce new matter.

Dated: Nov 7, 2002

Signed on behalf of:

Maha A. Hamdan

Maha A. Hamdan
Registration No. 43,655

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
415.904.6500

¹ Emphasis added.